



January 25, 2006

NEPA Draft Report Comments
c/o NEPA Task Force
Committee on Resources
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Dear NEPA Task Force Members,

As the Sierra Club testified to the Committee on Resources' Task Force on Updating the National Environmental Policy Act this fall, the Sierra Club thinks that the National Environmental Policy Act is working well.

Over thirty years ago, this landmark act won strong bipartisan support and was signed into law by President Nixon. The concerns of three and a half decades ago that prompted the law are just as valid today. There remains a need to engage the public and investigate alternatives to federal projects when there may be a significant impact on the natural environment or on existing communities.

Preserving the public's right to be informed about major federal projects and to participate in public forums about projects is essential.

We would like to respond directly to one theme that is consistent throughout the Task Force's report. The report alleges that NEPA delays projects and increases construction costs by millions of dollars. Our position is that the most important aspect of a federal project is making sure we look before we leap. NEPA affords the opportunity for the public to scrutinize and help improve projects. Just as a discriminating prospective home-buyer needs to comparison shop, have a home inspector look at the property, and consult with his or her family before knowing they are making the right decision, federal projects are much the same. The home-buyer knows that while they are comparison shopping or discussing with their family, housing prices are rising and another family may come along and buy the house. But it is too important of a purchase to make without the full range of vetting and consideration.

NEPA rules are fair and democratic. It is well established that any projects that may have a significant environmental impact need to go through the NEPA process, and the proponents of such projects must follow those established rules. Instead of changing the rules to weaken the public's role, we think that all parties must go into the process with their eyes wide open, knowing that the federal NEPA rules will guide the project.

We commend the Task Force for recognizing and reporting that there are relatively few lawsuits as a result of NEPA. As the Task Force report points out, of the 50,000 Environmental Impact Statements (EISs) that are filed each year, only 0.2 percent resulted in litigation. This shows the NEPA process is working, and that it has an excellent track record.

The Sierra Club would support additional resources for federal agencies conducting NEPA reviews. Our view is that we need the best information possible in the most timely manner, and the Sierra Club desires the best possible product to come out of a NEPA process. We attached a report to our testimony, "The Road to Better Transportation Projects: Public Involvement and the NEPA Process," which highlights a dozen road projects that were made better through NEPA. The report is available on the web at: http://www.sierraclub.org/sprawl/nepa/sprawl_report.pdf

In that Sierra Club report, we suggest a better way of making improvements by providing more resources for the NEPA process. Below are our suggestions from the report:

While the evidence is clear that public and environmental reviews improve the quality of our roads and have little to do with project delays, the NEPA process is not perfect and there are methods to improve it. Natural resource agencies could do their job more efficiently if they had appropriate budgets for staff and tools for conducting reviews so that better projects can be delivered faster. For instance, federal and state agencies are trapped by outdated technology. A 2000 National Research Council report recommended some specific ways to enhance the review process. The suggestions included: new collaborative planning and design processes, use of (geographic information systems) GIS to determine natural and community constraints on a project (called "gap analysis"), and computer visualization programs that allow users to view a proposed project and its potential impact in three dimensions. Better support for these agencies and updates of their tools and technology would go a long way toward speedier, higher quality project delivery.

Possibly the most promising – and commonsense – way to reduce delay is to establish early partnerships and coordination among stakeholders. The earlier that everyone affected is brought together to assist with the design of a project, the less likelihood there is for opposition further down the road.

The Sierra Club regards these resource considerations as the most critical elements of improving the NEPA process, and there is no need to tinker with the established language and operation of the National Environmental Policy Act.

In addition, the Sierra Club is in full concurrence with the detailed comments submitted by members of the environmental community, and we have signed onto those comments which the Task Force will receive. We joined in those comments with the Wilderness Society, the Natural Resources Defense Council and other organizations and we urge the Task Force to consider those comments carefully.

Thank you for your review of our comments, we look forward to working with you to preserve and protect our communities and environment, and to ensure the National Environmental Policy Act is not weakened.

Sincerely,

Debbie Sease
Legislative Director